

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MARCELLA D. HARMON,

Plaintiff,

VS.

JO ANNE B. BARNHART,
Commissioner, Social Security
Administration,

Defendant.

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CIVIL ACTION NO. 04-2113

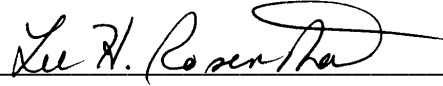
ORDER

This court has reviewed the Memorandum and Recommendation of the United States Magistrate Judge signed on June 28, 2005 and has made a *de novo* determination of the Magistrate Judge's recommended disposition. Rule 72(b), Fed. R. Civ. P.; 28 U.S.C. § 636(b)(1)(C); *United States v. Wilson*, 864 F.2d 1219 (5th Cir. 1989). This court adopts the Memorandum and Recommendation as this court's Memorandum and Order.

Accordingly, plaintiff's motion for summary judgment is denied and the defendant's motion for summary judgment is granted, on the basis that the ALJ's findings in 2002 that plaintiff Marcella Harmon's eligibility for disability insurance benefits expired in 1999, before the August 16, 2000 onset date of her disability, are supported by substantial evidence and a correct application of the legal standards. This court lacks jurisdiction to review the 1997 administrative decision finding that Harmon was not disabled at that time.

This case will be dismissed by separate order.

SIGNED on August 19, 2005, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal", is positioned above a horizontal line. The signature is fluid and cursive, with a large loop at the end.

Lee H. Rosenthal
United States District Judge